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Advogados

October 15, 2020

The Honorable Andrew L. Carter Jr.
United States District Judge
United States District Court for the
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

By CM/ECF and Email

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***In re Application of Kuwait Ports Authority for an Order Pursuant to 28 U.S.C.
§ 1782 to Conduct Discovery for Use in a Foreign Proceeding, Case No. 20-mc-
00046(ALC)***

Dear Judge Carter,

We represent Applicant the Kuwait Ports Authority (the “**KPA**”) in connection with the above-referenced application (the “**1782 Application**”) and write with a brief update.

As the Court is aware, at the time of its application, the KPA contemplated initiating proceedings in the Cayman Islands to address the misappropriation and/or misdirection of the Port Fund’s assets by the Port Fund’s general partner, Port Link GP Ltd. (the “**General Partner**”) and by various companies and individuals associated with the General Partner.

We write to inform the Court that yesterday, October 14, 2020, the KPA commenced proceedings (the “**Proceedings**”) against the General Partner in the Cayman Islands, seeking various forms of relief, including damages and compensation for the misappropriation and/or misdirection of the Port Fund’s assets, as contemplated in the 1782 Application.

A copy of the Writ of Summons and Statement of Claim filed on October 14, 2020 in the Proceedings is enclosed with this letter. As set out therein, the Proceedings address certain of the claims that the KPA is entitled to bring directly (or, in the



alternative, derivatively) against the General Partner, as discussed in the KPA's 1782 Application.¹

We remain available at your convenience should the Court have any questions.

Respectfully yours,

/s/ Jacob Kaplan

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Enclosures

¹ See, e.g., KPA Reply in Further Support of its Ex Parte Application, at pp. 10, 13 [ECF 24]; Supplemental Fox Declaration at ¶¶ 17-19 [ECF 26]. Although a just and equitable winding up proceeding has not yet been commenced, it remains within the KPA's reasonable contemplation as another avenue for redress of the scheme outlined in the 1782 Application.